

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
2005 AUG 15 PM 2:52
CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY AF

EI PRODUCTS, INC.,

Plaintiff,

v.

JASCO PRODUCTS COMPANY, LLC

Defendant.

Case No. A05CA224SS

ANSWER TO FIRST AMENDED COMPLAINT

Comes now the Defendant, Jasco Products Company, LLC (Jasco) for its Answer to the Plaintiff's First Amended Complaint alleges and states as follows:

1. Jasco lacks sufficient knowledge with which to admit or deny the allegations contained in Paragraph 1 of the Plaintiff's First Amended Complaint and therefore denies the same.
2. Jasco does not deny the allegations as alleged in Paragraph 2 of the Plaintiff's First Amended Complaint.
3. Jasco admits that this matter relates to a dispute under the patent and trademark laws of the United States as alleged in Paragraph 3 of the Plaintiff's First Amended Complaint, and as such, this court has subject matter jurisdiction. Additionally, Jasco does not dispute this court's *in personam* jurisdiction.

4. Jasco does not dispute venue in the United States District Court for the Western District of Texas, Austin Division, as stated in Paragraph 4 of the Plaintiff's First Amended Complaint.
5. Jasco denies the allegations set forth in Paragraph 5 of the Plaintiff's First Amended Complaint as such facts are alleged.
6. Jasco lacks sufficient knowledge with which to admit or deny the allegations contained in Paragraph 6 of the Plaintiff's First Amended Complaint and therefore denies the same.
7. Jasco lacks sufficient knowledge with which to admit or deny the allegations contained in Paragraph 7 of the Plaintiff's First Amended Complaint and therefore denies the same.
8. Jasco lacks sufficient knowledge with which to admit or deny the allegations contained in Paragraph 8 of the Plaintiff's First Amended Complaint and therefore denies the same.
9. Jasco denies the allegations as set forth in Paragraph 9 of the Plaintiff's First Amended Complaint.
10. Jasco denies the allegations as set forth in Paragraph 10 of the Plaintiff's First Amended Complaint.
11. Jasco denies the allegations as set forth in Paragraph 11 of the Plaintiff's First Amended Complaint.
12. Jasco denies the allegations as set forth in Paragraph 12 of the Plaintiff's First Amended Complaint.
13. Jasco denies the allegations as set forth in Paragraph 13 of the Plaintiff's First Amended Complaint.

14. Jasco denies the allegations as set forth in Paragraph 14 of the Plaintiff's First Amended Complaint.
15. Jasco denies the allegations as set forth in Paragraph 15 of the Plaintiff's First Amended Complaint.
16. Jasco denies the allegations as set forth in Paragraph 16 of the Plaintiff's First Amended Complaint.
17. Jasco denies the allegations as set forth in Paragraph 17 of the Plaintiff's First Amended Complaint.

AFFIRMATIVE DEFENSES

18. The Plaintiff has failed to state claims upon which relief can be granted for patent false marking and unfair competition.
19. United States Patent No. 5,662,408 is invalid under 35 U.S.C. § 112, paragraph 2.
20. Jasco reserves the right to assert additional defenses and affirmative defenses as revealed through discovery.

Wherefore, Jasco having fully answered, prays that the court deny all relief sought by the Plaintiff including injunctive and monetary relief or otherwise.

Respectfully submitted,



Antony P. Ng
DILLON & YUDELL, LLP
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Austin, Texas 78759
512.343.6116 (t)
512.343.6446 (f)
(Pro Hac Vice admission pending)

ATTACHMENT 10 - Example of Certificate of Service

CERTIFICATE OF SERVICE

I, Anthony P NG ^{for the defendant} ~~Plaintiff~~, do here by certify that on the
16th Day of August, 2005, a true and correct copy of the foregoing pleading was
forwarded to John C. Cain, the attorney for (^{Plaintiff} ~~Defendant~~) by (State the
manner of delivery - eg. U.S. Mail; Hand Delivery; Certified Mail)
_____ at the following address: (give address of Attorney for the Defendant).

WONG . CABELLO, PT. AL.

20333 SH 249, Suite 600

Houston, Texas 77070

Dated: 15 August 2005

Anthony P NG

Signature ~~of Plaintiff~~